

House File 2238

H-8049

1 Amend House File 2238 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 910.1, subsection 3, Code 2018, is
5 amended to read as follows:

6 3. "*Pecuniary damages*" means all damages to the extent
7 not paid by an insurer on an insurance claim by the victim,
8 which a victim could recover against the offender in a civil
9 action arising out of the same facts or event, except punitive
10 damages and damages for pain, suffering, mental anguish, and
11 loss of consortium. Without limitation, "*pecuniary damages*"
12 includes damages for wrongful death and expenses incurred for
13 psychiatric or psychological services or counseling or other
14 counseling for the victim which became necessary as a direct
15 result of the criminal activity.

16 Sec. 2. Section 910.1, subsection 5, Code 2018, is amended
17 to read as follows:

18 5. "*Victim*" means a person who has suffered pecuniary
19 damages as a result of the offender's criminal activities.
20 However, for purposes of [this chapter](#), an insurer paying a
21 victim's insurance claim is not a victim and does not have a
22 right of subrogation. An insurer may be a victim for purposes
23 of this chapter if insurance fraud in violation of section
24 507E.3 or 507E.3A has been perpetrated against the insurer.
25 The crime victim compensation program is not an insurer for
26 purposes of [this chapter](#), and the right of subrogation provided
27 by [section 915.92](#) does not prohibit restitution to the crime
28 victim compensation program.>

29 2. Title page, line 2, after <victims> by inserting <of
30 insurance fraud>

PETTENGILL of Benton